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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,900	03/29/2006	Thomas Coquerelle	OT-5229	2068

7590 12/16/2008

Lisa A Bongiovl
Otis Elevator Company
10 Farm Spring
Famington, CT 06032

EXAMINER	
PICO, ERIC E	

ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
12/16/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/573,900	COQUERELLE ET AL.	
	Examiner	Art Unit	
	ERIC PICO	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,7 and 9-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6,7 and 9-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claim(s) 1-4, 9, and 10** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Giles U.S. Patent No. 483145 in view of Tanner U.S. Patent No. 1252737 and Chatham U.S. Patent No. 5773771.

3. **Regarding claim 1 and 10**, Giles discloses a safety device for elevators having no machine room, the device comprising:

4. an upper median crosspiece, shown as the bottom of car H, forming part of an elevator car support arcade; and

5. at least two rigid rods F mounted sliding on the crosspiece and arranged symmetrically with respect to a median traction plane,

6. wherein the at least two rigid rods F are adapted to move:

7. (a) in an active outgoing position projecting from the crosspiece so as to come opposite and simultaneously in contact with a corresponding stop, Column 3, Line 29, fixed at an adequate height on a guide rail G; and

8. (b) in an inactive incoming position so as to be out of range of the stop,

9. wherein the inactive incoming position corresponds to a normal operating mode of the elevator,

10. wherein the active outgoing position corresponds to a maintenance or inspection mode of the elevator, Column 3, Lines 17-44.

11. Giles is silent concerning a flexible tension member being rope; an electric contact; wherein the electric contact is placed in series with a first control switch that authorizes functioning of the inspection or maintenance mode, and wherein the electric contact is configured to be triggered, when the at least two rigid rods are in the outgoing position, thereby automatically closing the elevator functioning control circuit when the elevator car reaches a predetermined location.

12. Tanner teaches a safety device for elevators having no machine room and flexible tension member 5 being ropes, the device comprising:

13. an upper median crosspiece 4 forming part of an elevator car support arcade; and

14. at least two rigid rods 6 mounted sliding on the crosspiece and arranged symmetrically with respect to a median traction plane,

15. wherein the at least two rigid rods 6 are adapted to move;

16. (a) in an active outgoing position projecting from the crosspiece 4 so as to come opposite and simultaneously in contact with a corresponding guide rail 12, and

17. (b) in an inactive incoming position so as to be out of range of the stop,

18. wherein the inactive incoming position corresponds to a normal operating mode of the elevator, and

19. wherein the active outgoing position corresponds to a maintenance or inspection mode of the elevator.

20. Chatham teaches an electric contact 69c, 69d;

21. wherein the electric contact 69c, 69d is placed in series with a first control switch 68a, 68b that authorizes functioning of the inspection or maintenance mode, and

22. wherein the electric contact 69c, 69d is configured to be triggered, by an operator, when the at least two rigid rods 61, 93 are in the outgoing position, thereby automatically closing the elevator functioning control circuit when the elevator car reaches a predetermined location, Column 7, Lines 39-56.

23. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a flexible member being rope as taught by Tanner to the elevator car disclosed by Giles to facilitate the lifting of the elevator car.

24. It would have been obvious to one of ordinary skill in the art at the time of the invention to place a first electric contact as taught by Chatham to the safety device disclosed by Giles to facilitate the operation of the elevator car.

25. **Regarding claim 2**, Giles discloses wherein the at least two rigid rods F are mounted sliding in relation to each other on a trolley E which is mounted sliding under the upper crosspiece.

26. **Regarding claim 3**, Giles discloses wherein the trolley E is equipped with a control lever A which allows the maneuvering of rods F in either an outgoing or incoming position, the control lever A can be locked by a dog clutch device or similar device.

27. **Regarding claim 4**, Giles discloses wherein each of the rods F receives a spring element F^3 that is arranged to keep the rods in the outgoing position once they have been freed from the incoming position.

28. **Regarding claim 9**, Giles discloses wherein the stop is placed on the car guide rail at a height.

29. Giles is silent concerning wherein the stop is placed on the car guide rail at a height to provide a minimum safety height of more than 180 cm.

30. It would have been obvious to one of ordinary in the art at the time of the invention was made to place the stop at a height to provide a minimum safety height of more than 180 cm, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch,* 617 F.2d 272, 205 USPQ (CCPA 1980).

31. **Claim(s) 6 and 7** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Giles U.S. Patent No. 483145 in view of Tanner U.S. Patent No. 1252737 and Chatham U.S. Patent No. 5773771 as applied to claim 1 above, and further in view of Becker U.S. Patent No. 1773163.

32. **Regarding claim 6**, Giles is silent concerning the stop is a metal flat bar secured by bolts to a rear wall of the guide rail and cut with two symmetrically square folds with respect to a longitudinal plane of the rail, these folds each being arranged to receive the rod to stop the rods simultaneously.

33. Becker teaches wherein a stop 39 is a metal flat bar secured by bolts 40 to a rear wall of a guide rail 9 and cut with two symmetrically square folds with respect to a

longitudinal plane of the rail 9, these folds each being arranged to receive a rod 27 to stop the rods 27 simultaneously.

34. It would have been obvious to one of ordinary skill in the art at the time of the invention to secure the stop disclosed by Giles by bolts to a rear wall of the guide rail and cut with two symmetrically square folds with respect to a longitudinal plane of the rail as taught by Becker to improve adjustment of the stops.

35. **Regarding claim 7**, Giles is silent concerning wherein the stop is an angle steel fixed by a clip rigidly tightened to the rail.

36. Becker teaches wherein the stop 39 is an angle steel fixed by a clip 40 rigidly tightened to the rail 9.

37. It would have been obvious to one of ordinary skill in the art at the time of the invention to fix the stop disclosed by Giles by a clip rigidly tightened to the rail as taught by Beckerto improve adjustment of the stops.

38. **Claim(s) 11** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Giles U.S. Patent No. 483145 in view of Tanner U.S. Patent No. 1252737 and Chatham U.S. Patent No. 5773771 as applied to claim 1 above, and further in view of Jones et al. U.S. Patent No. 6305499.

39. **Regarding claim 11**, Giles is silent concerning wherein the flexible tension members are belts.

40. Jones et al. teaches wherein a flexible tension members 212, 214 are belts.

41. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the elevator car disclosed by Giles with a flexible tension members being belts as taught by Jones et al. to facilitate the lifting of the elevator car.

Response to Arguments

42. Applicant's arguments filed 09/16/2008 have been fully considered but they are not persuasive.

43. In response to applicant's argument "the switch 68a is not configured, when two rods are in an outgoing position to automatically close, "the elevator functioning control circuit when the elevator car reaches a predetermined location" as claimed in applicant's claim 1 electric contact 69c, 69d is configured to be triggered, by an operator, when the at least two rigid rods 61, 93 are in the outgoing position, thereby automatically closing the elevator functioning control circuit when the elevator car reaches a predetermined location, the predetermined location be more than a displacement equal to zone Z.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP
/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3654